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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL DAVID TAYLOR,

Defendant and Appellant.

B263405

(Los Angeles County
Super. Ct. No. KA021660)

APPEAL from an order of the Superior Court of Los Angeles County. Robert M. Martinez, Judge. Affirmed.

Tyrone A. Sandoval, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Michael David Taylor appeals from an order denying his petition for resentencing pursuant to Penal Code section 1170.18.¹ We affirm.

In 1994, Taylor was convicted on one count of second degree robbery (§ 211) and one count of attempted second degree robbery (§§ 211, 664). The court sentenced Taylor to 25 years to life under the “Three Strikes” law (§ 667) on each count, to be served consecutively, and resentenced appellant in 1996 to add two five-year enhancements for two prior robbery convictions (in 1984 & 1988) under section 667, subdivision (a)(1).

In December 2012, Taylor petitioned for resentencing pursuant to Proposition 36, the Three Strikes Reform Act of 2012. (§ 1170.126.) The trial court denied the petition because his offenses were serious and/or violent felonies, a ruling we affirmed. (*People v. Taylor* (Oct. 19, 2013, B247962) [nonpub. opn.])

On November 4, 2014, California voters passed Proposition 47, the Safe Neighborhoods and Schools Act, which reduces certain nonserious and nonviolent crimes, such as low-level drug- and theft-related offenses, from felonies to misdemeanors. (*People v. Contreras* (2015) 237 Cal.App.4th 868, 889-890.) A qualifying person serving a sentence for a felony that was reclassified under Proposition 47 may petition the trial court for a recall of sentence and request resentencing, which must be granted “unless the court, in its discretion, determines that resentencing the petitioner would pose an unreasonable risk of danger to public safety.” (§ 1170.18, subds. (a)-(c).)

On February 3, 2015, Taylor filed a petition requesting recall and resentencing on the 1994 robbery and attempted robbery convictions. On March 4, 2015, the trial court denied the petition on the ground that neither offense is “one of the enumerated charges eligible for reduction and resentencing” under Proposition 47. Taylor filed a timely notice of appeal.

We appointed counsel to represent Taylor but, after an examination of the record, counsel filed a *Wende* brief raising no issues and asking this court to independently

¹ All statutory references are to the Penal Code.

review the record. (*People v. Wende* (1979) 25 Cal.3d 436, 441.) On September 18, 2015, we sent letters to Taylor and appointed counsel, directing counsel to immediately forward the appellate record and a copy of the *Wende* brief to Taylor and advising him that he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, Taylor has not responded.

We have examined the entire record and are satisfied that Taylor's counsel complied with the responsibilities set forth in *People v. Kelly* (2006) 40 Cal.4th 106 and *People v. Wende, supra*, 25 Cal.3d at page 441. No arguable issues exist. Second degree robbery under section 211 is not one of the offenses reclassified under Proposition 47. (See § 1170.18, subd. (a).)

DISPOSITION

The order denying appellant's Proposition 47 petition for recall and resentencing is affirmed.

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CHANEY, J.

We concur:

ROTHSCHILD, P. J.

LUI, J.